

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

JESSIE HOLMES,)	
)	
Petitioner,)	
)	
v.)	CIVIL ACTION NO. 2:06-cv-958-MHT
)	
GREIL HOSPITAL, <i>et al.</i> ,)	
)	
Respondents.)	

ANSWER
AND SPECIAL REPORT

The respondents, Alabama Department of Mental Health and Mental Retardation, its Commissioner John Houston, Greil Hospital a DMH/MR psychiatric facility and Allen Stewart, Greil's current Director, answer the petition in this cause as follows:

FACTS

Initial Alabama Commitment and Out of State History

Jessie Holmes is a 38 year-old, African-American male who is presently being treated at Greil Hospital, a psychiatric facility of the Alabama Department of Mental Health and Mental Retardation (hereinafter referred to as DMH/MR). Attachment 1 at p. 1 and Attachment 2 at p.1. He is mentally ill, has a history of, and is currently being treated for undifferentiated schizophrenia and pedophilia. Attachment 2, at 2. He is being treated with several prescribed medications: Haldol, Chlorpromazine, Lithium and Prozac. *Id.*

Holmes was initially committed to the Alabama Department of Mental Health on May 15, 2006, by the Probate Court of Lee County, Alabama. Attachment 1 at p. 2 and

Attachment 2 at p. 14. Prior to his commitment hearing, he had been detained and treated at the East Alabama Medical Center in Opelika, Alabama. Attachment 2 at p. 16.

Prior to moving back to Alabama within the year of this Lee County commitment, Holmes had spent virtually all of his adult life in New York psychiatric and correctional facilities where his history reveals that he attempted suicide by hanging, demonstrated assaultive behavior, and had various charges for attempted sodomy, sexual abuse in the 1st degree, endangering the welfare of a child and public lewdness. Attachment 2 at p. 6. In 1988, he was sentenced to 10 years for sodomizing a young boy at knife point. *Id.* and Attachment 1 at 2. Attached is a brief synopsis of his medical record which contains additional details of his medical history and his most recent commitment orders in Alabama. *See generally* Attachment 2.

Holmes was committed in Lee County after having threatened to burn down the house of his mother and stepfather (the latter of whom petitioned to have him committed then) and threatening in a conversation with a police officer that, "somebody was going to get hurt." Attachment 1 at p. 2. His family does not want him to return to their home at this time. *Id.* His behavior threats had been preceded by him reportedly being agitated at home, breaking objects and fighting with his family. Attachment 2 at p. 4. He had also reportedly retrieved a rifle from under his parents bed and leaned it against the fireplace and grabbed his mother's glasses off the counter and broke them for no apparent reason. *Id.* It was serious enough for the police to be called. *Id.*

Holmes' Current Recommitment and Clinical Condition

After the initial commitment at Greil, despite his long and significant clinical history, Mr. Holmes' condition improved in a short time. In less than two weeks, he was referred for community placement with appropriate treatment and supervision.

Attachment 1 at p. 2. However, he is a registered sex offender which makes it more difficult to place him from a treatment and security standpoint (fewer community service providing agencies will take him) and fewer are available that are located in places away from where schools and other covered facilities are outside of restricted zones under state statutes. *Id.* He was even considered for being discharged if a suitable clinical environment could be found. *Id.*

Nevertheless, by Fall, Mr. Holmes had engaged in two events that precipitated a petition by the Director of Greil Hospital for his recommitment to Greil. Attachment 2 at pp. 10-13. First, he was involved in an altercation with another patient while in a therapy session. *Id.* It was not determined who was the instigator, however, this was a display of violence that had not been previously noted during his treatment at Greil. Attachment 1 at p. 3. Second, it was discovered that Holmes had surreptitiously attained the address of the child daughter of his roommate and wrote her a letter that alarmed the child's mother considerably; apparently consistent with his diagnosis of pedophilia. *Id.* As a result, after a hearing before the Montgomery, Alabama Probate Court, he was recommitted to the Alabama Department of Mental Health and Mental Retardation on October 12, 2006. Attachment 2 at p. 9. The current clinical director at Greil and one of Holmes' treating psychiatrists, Dr. Clemmie Palmer, does not believe that his condition has improved

enough to release him without continued psychiatric treatment. Attachment 1 at p. 3 At present, he remains a danger to others. *Id.*

Accordingly, the respondents deny all material allegations of this petition.

APPLICABLE LAW AND DEFENSES

Construction as a Habeas Corpus Petition and the Exhaustion Requirement

Broadly construed, Mr. Holmes appears in his complaint to sue for damages for being held wrongfully, by the respondents. As this court has determined, such matters have been determined to be actionable as a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. *See e.g., Prieser v. Rodriquez*, 411 U.S. 475, 93 S.Ct. 1827, 36 L.Ed.2d 439 (1973). He is also required to exhaust state remedies prior to filing a federal claim. *Id.* To date, the petitioner has not served any respondent with any action in state court for release.

To the extent that the petition alleges invalidity of his confinement, this action is barred. *See e.g., Heck v. Humphrey*, 512 U.S. 477, 114 S.Ct. 2364, 129 L.Ed.2d 383 (1994). Holmes has been committed and recommitted before two different probate courts of the State of Alabama and had a history in two states of mental illness, with numerous professionals having diagnosed and treated him consistently with one another. He has recently exhibited actions consistent with his diagnoses that indicate a threat to others. As noted above, he has not exhausted any state remedies known to the respondents nor is any alleged.

Proper Due Process for Confinement for Treatment

On the other hand, the precise type of procedural due process required prior to confinement in a state facility was afforded Holmes each time he was committed to Greil. *See e.g., Burch v. Apalachee Community Mental Health Services, Inc.*, 840 F.2d 797, 801-03 (11th Cir. 1988), *cert. granted*, 489 U.S. 1064, 109 S.Ct. 1337, 103 L.Ed.2d 807 (1989) *and judgment aff'd*, 494 U.S. 113, 110 S.Ct. 975, 108 L.Ed.2d 100 (1990). Two different probate courts have determined he warranted commitment.

Governmental Immunity of the State Entities and Actors

To the extent that damages are sought against DMH/MR, Greil Hospital or any officials thereof in their official capacities, those actions are barred by the Eleventh Amendment. *Alabama v. Pugh*, 438 U.S. 781, 98 S.Ct. 3057, 57 L.Ed.2d 1114 (1978). To the extent that Holmes seeks relief against state officials for violations of state law, this too is barred by the Eleventh Amendment. *Pennhurst State School & Hospital v. Halderman*, 465 U.S. 89, 104 S.Ct. 900, 79 L.Ed.2d 67 (1984); *Burch v. Apalachee Community Mental Health Services, Inc.*, 840 F.2d 797, 801 n. 8 (11th Cir. 1988), *cert. granted*, 489 U.S. 1064, 109 S.Ct. 1337, 103 L.Ed.2d 807 (1989) *and judgment aff'd*, 494 U.S. 113, 110 S.Ct. 975, 108 L.Ed.2d 100 (1990).

Individual Capacity Claims

To the extent that damages are sought against the Commissioner Houston and Director Stewart in their individual capacities, they are entitled to qualified immunity. *See Anderson v. Creighton*, 438 U.S. 635, 107 S.Ct. 3034, 97 L.Ed.2d 523 (1987);

Harlow v. Fitzgerald, 457 U.S. 800, 102 S.Ct. 2727, 73 Led.2d 396 (1982) Given Holmes' mental illness history and current professional assessments and treatment, coupled with recent demonstrated acts that could endanger others, actions by officials to continue his treatment at a psychiatric facility is objectively reasonable. *See Harlow v. Fitzgerald*.

State Law Torts and Equitable Relief

To the extent Holmes seeks state tort remedies or equitable relief, aside from claims cognizable as a habeas corpus petition, this court should decline to entertain such claims as Holmes could and should avail himself of state forums to pursue such remedies prior to petitioning this court. However, the facts of this case demonstrate that there are appropriate justifiable reasons that have been adequately determined by state courts already, to justify any temporary, legitimate infringement on Holmes' rights.

CONCLUSION

WHEREFORE, given the demonstrated clinical and violent history of this petitioner, his current clinical condition and the state court proceedings that precipitated his commitments, the DMH/MR, Greil Hospital and their officials urge this court to dismiss this petition with prejudice.

Respectfully submitted, this the 27th day of December, 2006.

TROY KING, KIN047
ATTORNEY GENERAL

/s/Courtney W. Tarver
COURTNEY W. TARVER, TAR009
DEPUTY ATTORNEY GENERAL
& GENERAL COUNSEL
Alabama Department of Mental Health &
Mental Retardation
100 N. Union St.
P.O. Box 301410
Montgomery, AL 36130-1410
334-242-3038 (Phone)
334-242-3038 (Fax)
courtney.tarver@mh.alabama.gov

Attorney for the Respondents

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing Answer and Special Report upon the petitioner by placing a copy of the foregoing in the U.S. Mail, postage prepaid and submitting it to the following address on this the 27th day of December, 2007:

Jessie Holmes (Pro-se)
Greil Hospital
2140 Upper Wetumpka Road
Montgomery, AL 36107

/s/ Courtney W. Tarver
COURTNEY W. TARVER

ATTACHMENT 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

JESSIE HOLMES,

Petitioner,

v.

GREIL HOSPITAL, et al.,

Respondents.

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Case No.: 2:06-CV-958-MHT

DECLARATION OF DR. CLEMMIE PALMER

I declare under penalty of perjury that the following is true and correct:

1. "My name is Dr. Clemmie Palmer. I am over the age of nineteen. I have no mental or physical conditions that would prevent me from testifying truthfully in a court of law. I have personal knowledge of the facts contained herein.

2. I am a practicing psychiatrist and have done so for eight years. I am board certified in psychiatry, attended University of Alabama medical school and completed a residency in Psychiatry at the Univ. of Alabama . I am currently employed by the Alabama Department of Mental Health and Mental Retardation ("DMHMR") as the Clinical Director of Greil Hospital, a psychiatric hospital and facility of the Alabama Department of Mental Health and Mental Retardation. Prior to that I was engaged in the private practice of psychiatry for eight years.

3. I make this declaration of my own personal knowledge and in support of each of the Defendants, the Alabama Department of Mental Health and Mental Retardation, its Commissioner, John Houston, Greil Psychiatric Hospital and its

Director, Allen Stewart in the above-styled case currently pending in the United States District Court for the Middle District of Alabama, Northern Division.

4. I have been one of the treating psychiatrists for the petitioner in this cause, Mr. Jessie Holmes, during his commitment and recent recommitment to Greil Hospital. Mr. Holmes is mentally ill, diagnosed with conditions of undifferentiated schizophrenia and pedophilia.

5. He is being treated with Haldol, Chlorpromazine, Lithium, and Prozac.

6. He was originally committed to Greil hospital, and admitted on May 15, 2006. According to his medical history and the probate court records received from Lee County, Alabama, from where he was initially committed due to having threatened his mother and stepfather there, with whom he was living. Police were called to their house on several occasions and the petitioner threatened to blow up the house and told an officer, "that somebody was going to get hurt." His family does not want him to return home at this time. Prior to moving in with his mother and stepfather, Mr. Holmes, now in his mid-thirties, had been institutionalized and served time in a correctional facility in New York State since he was approximately eighteen years-old, having been convicted of sodomizing an eleven-year-old boy at knife-point.

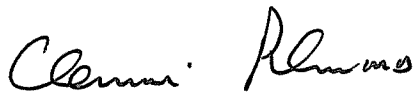
7. Mr. Holmes was referred for community placement in late May, shortly after his admission to Griel, however, he is registered as a sex offender which contributes to more difficulty than normal in locating a lesser restrictive setting in which he can continue to be effectively treated.

8. In October, after seriously considering discharge of Mr. Holmes, two events occurred that resulted in my judgment that he was not yet ready to be discharged. One

was that he was engaged in an altercation with another patient while in a group therapy session. We were unable to determine who initiated the altercation but it demonstrated some violence that had not been displayed by Mr. Holmes prior to that time. Secondly, we were notified that Mr. Holmes had, without permission, gotten the address of his roommate's daughter from some correspondence his roommate had received and had written this young child a letter that appeared consistent with his pedophilia. As a result, we petitioned for his recommitment and the Montgomery County, Alabama Probate Court found that he remained mentally ill and a danger to self or others.

9. In my professional judgment, I do not believe that Mr. Holmes' clinical condition has improved significantly enough yet for him to be released from Greil Hospital. Our staff is diligently seeking and the Department of Mental Health working to locate an appropriate, lesser restrictive setting that affords Mr. Holmes access to and monitoring of his medications and yet complies with the restrictions on where he may reside outside of access to children. To date, in my opinion, he remains mentally ill and a danger to others without continued psychiatric treatment.

Submitted this the 27th day of December, 2006.


CLEMMIE PALMER, M.D.
Clinical Director, Greil Hospital
Declarant

ATTACHMENT 2

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

JESSIE HOLMES,

Petitioner,

v.

GREIL HOSPITAL, et al.,

Respondents.

Case No.: 2:06-CV-958-MHT

DECLARATION OF BONNIE RHODES

I declare under penalty of perjury that the following is true and correct:

1. My name is Bonnie Rhodes. I am over the age of nineteen. I have no mental or physical conditions that would prevent me from testifying truthfully in a court of law. I have personal knowledge of the facts contained herein.

2. I am Custodian of Medical Records for Greil Memorial Psychiatric Hospital. As custodian of the medical records of this facility, I do hereby certify that this is a true and accurate copy of excerpts of the medical records of **Jessie Holmes, DOB 07/22/1968, SS # 096-58-3895**. These records have been maintained in the regular course of business at Greil Memorial Psychiatric Hospital. The medical records attached are duplicates of the originals.

All of which I hereby certify and affirm on this the 27th day of December, 2006.



Bonnie Rhodes
CUSTODIAN OF RECORDS
Greil Hospital

000000

Chart Copy

East Alabama Medical Center

ADMISS. RECORD

ACCOUNT NO 06132-00252	ADMISSION DATE / TIME 05/12/06 1:16pm	FC MC	DATE OF BIRTH 07/22/68	AGE 37Y	SEX M	RACE 2	MS S	SERVICE ER	STATION 1WP	ROOM NO 1122A	ACC R	PAT TYPE PSY	BY YNK	UNIT NUMBER 859463	
ADMITTING DOCTOR LUSCHE,PETER J		ATTENDING DOCTOR LUSCHE,PETER J			REFERRING DOCTOR				PRIMARY CARE DOCTOR						
PATIENT NAME AND ADDRESS HOLMES,JESSIE 736 LEE RD 147 OPELIKA AL 36804				SS# XXX-XX-3895 TELEPHONE NO (334)705-8830		EMPLOYERS NOT EMPLOYED/UNK				TELEPHONE NO not-applicable					
GUARANTOR NAME AND ADDRESS HOLMES,JESSIE 736 LEE RD 147 OPELIKA AL 36804				SOC-SEC-NO XXX-XX-3895 TELEPHONE NO (334)705-8830						GUARANTOR EMPLOYER NOT EMPLOYED/UNK				TELEPHONE NO not-applicable	
INSURANCE 1 MEDICAID P O BOX 244032 MONTGOMERY (800)688-7989 HOLMES,JESSIE 0000965838956		INSURANCE 2 1500 MEDICAID P O BOX 244032 MONTGOMERY (800)688-7989 HOLMES,JESSIE 0000965838956		INSURANCE 3				INSURANCE 4							
EMERGENCY CONTACT TABAON,INEZ (334)705-8830															
DIAGNOSIS/COMPLAINT COURT ORDER				PATIENT CLASS		ADM TYPE 1		SOURCE 7							
PREVIOUS ADMIT NAME & DATE HOLMES,JESSIE 05/09/06															
INFECTION CONTROL NOTICE				DATE OF LAST PNEUMOCOCCAL PNEUMONIA VACCINE						DC DATE					

INS VERIFIED BY:

VERIFIED DATE:

HOLMES,JESSIE

06132-00252

859463

0000001

Form 4400a MFC (95) Page 3

State of New York
Office of Mental Health

DISCHARGE SUMMARY/SERVICE PLAN (INPATIENT)

PART II - Service Plan

Date Completed: 9/18/05

Your services, appointment dates, medications, and provider contacts are listed below.

HOINES JESSIE

512982

Male

7/82/68

RDC

60/406

Mental Health:

Medications (name, dose, frequency, purpose, supply given) / Aluc 450 mg Am 750 mg, Dose 1 time
Amoxicillin 250 mg 4 times a day to the Am / 500 mg 4 times a day
gabapentin 300 mg 3 times a day / 300 mg 3 times a day
 Service Provider (name, address contact person, telephone no) / Halden Dr. 300 mg 4 times a day
FAST ALABAMA MENTAL HEALTH
Lee County Clinic
2506 LAMBERT DRIVE
 Appointment Date 09/14/05 at 1:00 PM
 Other (describe) Dr. ROBIN REDDI Tel # (334)-742-2701
 Instructions No. ELINA PETROVA Therapist p.d.

Physical Health:

Medications (name, dose, frequency, purpose, supply given)
None

Health Care Provider (name, address, telephone no.)

FAST ALABAMA MENTAL HEALTH

Lee County Clinic, 2506 Lambert Drive ALABAMA

Appointment Date

Instructions (Include physical activity and diet, as indicated)

Rehabilitation:

A. Living

Type of Residence None to Mother My Inez JENNINO

Name and Address 736 Lee Blvd 147

MOBILE ALABAMA 36804 Tel # (334)-705-8830

Patient has received information on services available in residence ☒ YES ☐ NO ☐ N/A

Patient refuses placement ☐ YES ☒ NO

Attempts to place patient have failed ☐ YES ☐ NO

Give reason(s)

B. Working

Employer (name, address, telephone no.)

None at this time

Vocational Services (agency name, address, telephone no.)

None

Comments:

C. Educational

Placement/Services (name, address, telephone no.)

None at this time

Distribution:

Original - Record

Yellow - Patient

Pink - Family

000002

GENERIC DISCHARGE SCREENS:

For 24 hours prior to D/C

YES NO

A. P Systolic >85 or <180 ☒ ☐B. Temp. <101 oral/<102 rectal ☒ ☐C. Pulse >50 or <120 ☒ ☐

>45 if on Beta Blockers

D. No purulent/bloody drg. from wound N/A ☐ ☐

E. Voiding or draining urine sufficiently

Or voiding post catheter removal ☒ ☐F. Diet tolerated. No N&V ☒ ☐G. Passing flatus/fecal matter ☒ ☐

Attending Physician notified of Any "No": Response

Date: _____ Time: _____

Physician: _____

OK for D/C Yes ☐ No ☐**SPECIAL NEEDS ARRANGED BY PATIENT****RESOURCE COORDINATOR**Nursing Home ☐ DHR Referral ☐ Rehab ☐Hospice ☐ Home Health ☐Equipment: ☐**VALUABLES/HOME MEDICATIONS**Given to: patient ☒ family ☐

Relationship: _____

PATIENT D/C INSTRUCTIONSDr Appointment: to be arranged by Greil HospitalActivity: as toleratedDiet: Regular☐ Pain management DC instruction sheet given

Further Pain management Instructions: _____

Other Instructions:Pneumonia vaccine given at discharge: ☐ Yes ☒ NoFlu vaccine given at discharge: ☐ Yes ☒ No**DISCHARGE MEDICATION INSTRUCTIONS**

DATE GIVEN (check)	MEDICATION	B'last	Lunch	Supper	Bed Time
	<u>Allergies = PCN, bee stings</u>				
Med-Teach	Food/Drug				
	<u>lithium carbonate 600mg - take twice a day</u>	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
	<u>thorazine 100mg - one tablet in the am</u>	<input checked="" type="checkbox"/>			
	<u>two tablets at night</u>				<input checked="" type="checkbox"/>
	<u>Prozac 40mg = 2 pills in the morning</u>	<input checked="" type="checkbox"/>			
	<u>Abilify 20mg = two pills in the morning</u>	<input checked="" type="checkbox"/>			
	<u>Centrum - take one daily</u>	<input checked="" type="checkbox"/>			
	<u>Haldol dec 300mg IM every 4 weeks</u>				
	<u>due tomorrow 5/11/06</u>				
	<u>fosamax 20mg - take once a week (given today)</u>				
	<u>Sendok - 1 tablet at night</u>				<input checked="" type="checkbox"/>
	<u>lupron depot 7.5mg IM q 4 weeks (due 5/23)</u>				

I HAVE BEEN INSTRUCTED ON THIS INFORMATION & UNDERSTAND THESE INSTRUCTIONS. I HAVE BEEN GIVEN A COPY OF THESE INSTRUCTIONS.

Patient/Other

Discharge Date & Time: 5/15/06Destination: Greil Hospital

Discharge Nurse's Signature

Mode of Transportation: carWith Whom: Sheriff

EAST ALABAMA MEDICAL CENTER

**DISCHARGE SUMMARY
AND INSTRUCTIONS**

06132-00252

859463

HOLMES, JESSIE

LOC: ER DOB: 07/22/68

M37Y
36804

Adm: 05/12/06

000003

East Alabama Medical Center
2000 Pepperell Parkway
Opelika, Alabama 36801

HOLMES, JESSIE

MRN: 0000859463

Financial #: 0613200252

DOB: 7/22/1968 Age: 37 years Sex: Male

Admit Date/Time: 5/12/2006 13:16:00

Discharge Date/Time:

Location: 1WP 1122 A

Patient Type: PSY

Attending Dr.: Lusche MD, Peter J

History and Physical/Abbreviated Clinical Record

HP ACR

Patient Name: Holmes, Jessie

This is a 37 year-old African-American male admitted on a court order.

CHIEF COMPLAINT: The patient states that he has not threatened his family. He is very paranoid and guarded.

HISTORY: This is the first hospitalization for this 37 year-old African-American referred to East Alabama by Stephanie Wright of East Alabama Mental Health. The patient was sent to BIT on 4-15-06 from East Alabama Medical Center Emergency Department and BIT discharged him on 4-24-06. Since then, the patient reportedly agitated at home, breaking objects and fighting with family members. On Saturday, 5-6-06, the patient reportedly retrieved a rifle from under his parents bed and leaned it against the fireplace. He denied doing any of these things. On 5-9-06 he grabbed his mother's glasses off the counter and broke them for no apparent reason. Police were called, but they did not file charges on him. The patient is referred for a mental health evaluation.

The patient has a long history of schizophrenia and he was treated at New York for many years. He was treated at Rockland Psychiatric Center, but has been institutionalized since 1980 in either state psychiatric center or correctional facilities. The patient was sentenced to 10 years on 6-7-1988 for his sexually assaultive behavior. He also has a past history of suicidal attempt by hanging.

The patient denies hearing voices. He describes himself as frustrated and angry. He states he wants to go back to his mother. He states he is not going to fight with them. He denies being depressed. He denies being suicidal or homicidal.

No significant history of drug abuse.

PAST PSYCHIATRIC HISTORY: As mentioned above.

MEDICAL HISTORY: The patient has a history of congenital syphilis.

FAMILY HISTORY: Denies any mental illness.

MENTAL STATUS EXAMINATION: The patient presents as an adult African-American male in no distress. He is guarded, defensive, paranoid, hypervigilant. Eye contact is poor. He is somewhat argumentative and irritable at times, experiencing paranoid ideations and persecutory thinking. Denies experiencing hallucinations. Preoccupied feelings of anger and frustration. Concentration is poor. Insight is poor. Judgment is questionable based on the behaviors mentioned in the history. Memory for short term and long term even showed mild impairment.

DIAGNOSTIC SUMMARY: The patient has been showing evidence of schizophrenia and possible mild mental retardation with antisocial traits. There is also a questionable history of alcohol abuse. Presently not exhibiting any major danger to self or others.

DIAGNOSTIC IMPRESSION:

AXIS I: [1] Schizophrenia, undifferentiated type.
[2] Alcohol abuse.

Chart Request ID: 2370143
Print Date/Time: 5/15/2006 8:31 AM
Page 1 of 6

MRN: 0000859463
Financial #: 0613200252

HOLMES, JESSIE

000004

East Alabama Medical Center

History and Physical/Abbreviated Clinical Record

[3] Pedophilia.
 AXIS II: Mild mental retardation and antisocial traits.
 AXIS III: Congenital syphilis.
 AXIS IV: Severe.
 AXIS V: 20.

TREATMENT PLAN: The patient will be continued on his present medications, Lithium, Thorazine, Prozac, Abilify and Haldol Decanoate. Continue supportive therapy.

ESTIMATED LENGTH OF STAY: 3 to 5 days.

DP: Sai Kishore Nandamuru, MD
 TR: jbc
 DD: 05/13/2006 9:43 A
 DT: 05/13/2006 10:59 A
 755845

Doc:
 cc:

Electronically Signed By: Sai K Nandamuru
 On 05/13/06 10:20

DD: 05/13/06 TD: 09:43

Chemistry**General Chemistry**

	Procedure Ref Range Units	Sodium Level [136-145] mmol/L	Potassium Level [3.5-5.1] mmol/L	Chloride Level [98-109] mmol/L	CO2 [21-33] mmol/L	Anion Gap [6-18]	Glucose Level [70-110] mg/dL
5/12/2006 2:20:00 PM		140	3.6	104	31	5 L	102

	Procedure Ref Range Units	Osmo Serum Calc [275-295]	BUN [7-18] mg/dL	Creatinine Level [0.7-1.4] mg/dL	BUN/Creat Ratio	Calcium Level [8.8-10.5] mg/dL
5/12/2006 2:20:00 PM		276	9	0.8	11	9.3

	Procedure Ref Range Units	Corr Calcium [8.8-10.5] mg/dL	Total Protein [6.4-8.5] gm/dL	Globulin [2.3-4.3] gm/dL	Albumin Level [3.4-5.0] gm/dL	A/G Ratio [0.8-2.2]	Bilirubin Total [0.0-1.0] mg/dL
5/12/2006 2:20:00 PM		9.6	7.8	4.2	3.6	0.9	0.4

Form 140 MED (MH) (9-92)

State of New York
 OFFICE OF MENTAL HEALTH

DISCHARGE SUMMARY/ SERVICE PLAN (INPATIENT) PART I - DISCHARGE SUMMARY	Patient's Name (Last, First, M.I.) HOLMES, JESSIE	"C"/Id. No. 212982
	Sex M	Date of Birth 7/22/68
	Facility/Agency Name ROCKLAND PSYCHIATRIC CENTER	
	Unit/Ward No. BLDG. 60/UNIT 406	
Date of Admission: 7/2/03 Date of Discharge: 9/9/05 Date Summary Completed: 9/6/05		

1. **HISTORY** Attach existing documentation (or an abstract) which includes the following information, as indicated.

- Presenting Problem(s)
- Mental/Physical Health
- Alcohol and Drug Use/Abuse
- Diagnosis
- Medications

2. **ALERTS** List risk factors including danger to self/others, CPL status, physical health conditions/needs, allergies, etc.

1. History of suicidal attempt by hanging.
2. History of assaultive behavior
3. History of legal charges for attempted sodomy, sexual abuse in the 1st degree, endangering the welfare of a child and public lewdness.

3. **COURSE OF TREATMENT** Describe the course of treatment and the status of all goals which were to be met before discharge. Include the most effective treatments.

This is a 37 year old African American male who was transferred from Mid-Hudson Forensic Psychiatric Center on 7/2/03 for continuous treatment. The patient has a long history of mental illness and has been institutionalized since 1980 either at the State Psychiatric Centers or Correctional Facilities.

On 6/7/88 he was sentenced to 20 years for sodomizing a young boy at knife point. He has a history of assaultive behavior and suicidal attempt by hanging. He also has a history of alcohol abuse. He has a full scale I.Q. of 68 which was done at Mid-Hudson Forensic Psychiatric Center. He has received a variety of mood stabilizers and antipsychotic medications including Depakote, Lithium, Haldol, Zyprexa, Chlorpromazine, Aripiprazole, Fluoxetine. He also has been receiving Lupron to reduce sexual desire. In the early part of his hospitalization at RPC he was irritable, uncooperative and disruptive but with the continuation of long acting Depot neuroleptics and mood stabilizers his condition has been improved. For the last one year he has been cooperative with his medications, and attending therapeutic activities without incidences. He has not expressed suicidal ideations or exhibited dangerous behaviors to himself or others. He does not show acute psychotic symptoms or behavioral problems. He has not shown inappropriate sexual behavior either.

000006

May 12 06 03:38p

Lee County Clinic

334742270

P. 6

Patient: HOLMES, Jessie

(2)

The patient gets along with others and takes care of his personal hygiene with minimal supervision. His mother wants him discharged to Alabama to reside with her. Fourth level screening was done for his discharge with approval. He will reside with his mother and will attend aftercare clinic. He will register for sex offender with the local authority. He understands that he needs to continue with his treatment to prevent relapse of his symptoms. He will be discharged on 9/9/05 and will go to his mothers home accompanied by staff.

4. CONDITION ON DISCHARGE Describe current functioning.

The patient is alert and oriented to time, place and person. He shows no overt psychosis or evidence of depression. His mood is neutral and affect is appropriate. He denies suicidal or homicidal ideation. He also denies any intention to have inappropriate sexual relations. The patient understands his discharge plan and accepts it.

5. Diagnosis: Enter a P in front of the principal diagnosis.

AXIS I: Schizophrenia, undifferentiated type
Alcohol abuse. Pedophilia

AXIS II: Antisocial Personality disorder
Borderline intellectual functioning

AXIS III: Obesity, Hypercholesterolemia, Congenital syphilis.

AXIS IV Psychosocial Stressors

a. Stressors(s):

b. Severity 1. | | None 2. |x| Mild 3. | | Moderate 4. | | Severe

5. | | Extreme 6. | | Catastrophic

0. | | Inadequate Info/No Change

c. Duration 1. | | Predominately Acute Event

2. |X| Predominately Enduring Circumstances

AXIS V Global Assessment of Functioning

(Enter two digit scores from 01 - 90)

a. Current GAF Score 7 | 0 b. Past year GAF Score 4 | 0

6. MEDICATIONS ON DISCHARGE As indicated, note name, dose and frequency.

Aripiprazole 20 mgs once a day in the morning

Chlorpromazine 100 mgs in AM and 200 mgs at bed time

Fluoxetine 40 mgs in AM. Fosamax 70 mgs once a week

Lithium Carb. 450 mgs in AM and 750 mgs at bed time

Haloperidol 5 mgs q 6 hours PRN for extreme anxiety

Senna 2 tabs at bed time

Lupron Depot/Kit Implant every 4 weeks (next due on 8/31/05) (Last injection 9/28/05)

Haldol Dec. 300 mgs q 4 weeks IM (next due on 9/21/05). (Last injection on 8/31/05)

A 30 day supply of above oral medications will be provided at the time of discharge from Rockland Psy. Center.

000007

400

U. S. DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

Pink • Family

MAY-15-2006 09:01 FROM:PSYCH 3345281012

IN THE PROBATE COURT FOR MONTGOMERY COUNTY, ALABAMA

JESSIE HOLMES
RESPONDENT

CASE NO. 06-C 615

ORDER RENEWING INPATIENT COMMITMENT

In the matter of the Petition to Renew the Inpatient Commitment of **Jessie Holmes**, Respondent, as filed by Allen L. Stewart; and this day having been regularly set to hear and consider said petition; and now comes said petitioner by and through counsel, _____, Esq., and also comes the said Respondent, by and through counsel, **Larry Sasser**, Esq., and it now appears that the Court has jurisdiction of said matter and that adequate notice has been perfected as required by law; and the Court proceeds to receive evidence; and

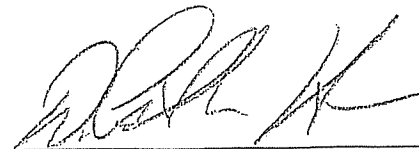
The Court finds from clear and convincing evidence adduced in open hearing that:

1. Said Respondent is mentally ill;
2. As a result of the mental illness, Respondent poses a real and present threat of substantial harm to self or others;
3. That as a result of the mental illness the Respondent will, if not treated, continue to suffer mental distress and will continue to experience deterioration of the ability to function independently;
4. That the Respondent is unable to make a rational and informed decision as to whether treatment for the mental illness would be desirable;
5. That there is treatment available for the mental illness diagnosed;
6. That the evidence presented establishes a factual basis for the conclusion that Respondent poses a real and present threat of substantial harm to self and/or others and that confinement is necessary; the Petitioner has thus met the requirement of proving that Respondent's dangerousness has been evidenced by a recent overt act;
7. That inpatient commitment to the Alabama Department of Mental Health and Mental Retardation is the least restrictive alternative necessary and available for treatment of Respondent's mental illness;

Accordingly, said petition is due to be granted; and

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED BY THE COURT that the inpatient commitment of **Jessie Holmes**, Respondent, is renewed to the Alabama Department of Mental Health and Mental Retardation, for treatment of mental illness for a period not to exceed one year, subject to further renewal if found appropriate upon proper petition and proceedings.

DONE AND ORDERED this 12th day of October, 2006.



D. PATRICK HARRIS
SPECIAL JUDGE OF PROBATE

000009

CLINICAL SUMMARY FORM
GREIL MEMORIAL PSYCHIATRIC
HOSPITAL

NAME: Jessie HolmesFILE NO: 14005580 UNIT: IIIDATE OF BIRTH (AGE) 7/22/68 (38)1. Date of Admission: 5/15/06 - present

Previous admission date (s): _____

none

2. State the nature and frequency of your contacts with the patient upon which this summary is based: _____

weekly on rounds.

3. Describe the patient's current mental status and recent (within last six months) behavior. Include information concerning such matters as hallucinations, delusions, incidents of verbal and physical hostility, medication compliance, and ability to care for daily needs (include specific information and date (s)): _____

Heard and visual hallucinationsDid write a grill a little while at Greil.4. Is the patient mentally ill? Yes5. What is the diagnosis? Undifferentiated Schizophrenia, Persecution

6. What treatment is this patient receiving? (include medication, activities, group and individual therapy, etc.): _____

Abilify ; Haldol DecChlorpromazine ; Lysmanprozac ; Lithium.

7. Does this patient, as a result of mental illness, pose a real and present threat of substantial harm to self/others? How so? (The answer to this question should relate back to behaviors, etc. mentioned in question #3): _____

Yes - Pedophilia

8. Will this patient, if not treated, continue to suffer mental distress and continue to experience deterioration of the ability to function independently? Explain: _____

Yes

9. Is the patient able to make a rational and informed decision as to whether or not treatment for mental illness is desirable? Explain: _____

No. at time, he knew he needed
for treatment, but took his medication.

10. Is in-patient commitment the least restrictive alternative necessary and available for treatment of this patient's illness? Explain: _____

Yes, at this time.

- *11. Has this patient ever been referred (during this admission to the CMHC Hospital/Community Liaison for placement? If so, provide date (s) and result of referral (s): Pt. referred for placement 5/24/06. Pt.

remains on placement waiting list.

- *12. Have there been any actual attempted placements of this patient during hospitalization? If so, provide date (s) and reason for failure of placement attempt (s): There is no

appropriate placement available at this time. Pt. is
registered sex offender and cannot be placed in community
setting near schools.

- *13. Does the patient currently have an active CMHC placement referral? Yes

14. Do you recommend that a petition to Renew inpatient commitment be filed for this patient? Yes

*Social Work staff may provide assistance with these items.

Date: 10/6/2006

Physician: C. Plun MD

Title: Clinical Director

Revised: 6/25/97

000011

IN THE PROBATE COURT OF MONTGOMERY COUNTY, ALABAMA *hearing Oct 12, 2006 @ 9:00 Am*

Jessie Holmes
RESPONDENT

CASE NO. 06-1615

PETITION TO RENEW INPATIENT COMMITMENT

TO: Honorable Reest McKinney, Jr., Judge of Probate

Comes now your Petitioner, Allen L. Stewart, LPC, as the Director of Greil Memorial Psychiatric Hospital, and does hereby request that the commitment order for the above named Respondent, Issued by the Probate Judge of Lee County on the 15th day of May, 2006 be renewed for the following reasons (in detail):

The patient carries a diagnosis of Schizophrenia, Undifferentiated/ Pedophilia. Patient denies auditory, and visual hallucinations. He denies that he has a need for inpatient treatment. While in the hospital (Greil), he has written a letter to an underage girl. He poses a real and present harm to others due to his pedophilia diagnosis.

Further, your Petitioner is of the opinion that less restrictive conditions of treatment for the Respondent are not appropriate for the following reasons (in detail):

The patient is unable to make rational and informed decisions regarding his need for treatment. He has little insight into his mental illness. At this time there is not an appropriate community placement. Patient is a registered sex offender and special guidelines for community placement must be followed. His condition would deteriorate without continued treatment.

Your petitioner now prays the Court will take jurisdiction over this matter and conduct such proceedings as are required and grant the renewal of the aforesaid commitment order. Petitioner prays for such other and different relief as entitled, the premises considered.

Signed this the 6th day of October, 2006

Allen L. Stewart
Signature of Petitioner

Subscribed to and sworn before me this the 6th day of October 2006.

Stella M. Gray
Notary Public (Commission Expires 8/23/2010)

000012

IN THE PROBATE COURT FOR MONTGOMERY COUNTY, ALABAMA

JESSIE HOLMES
RESPONDENT
(LOCATED AT GREIL HOSPITAL)

CASE NO. 06-C 615

TO: THE HONORABLE D. T. MARSHALL, SHERIFF OF
MONTGOMERY COUNTY, ALABAMA: GREETINGS:

You are hereby **COMMANDED** to serve a copy of this instrument on the party named and make due return to this Court stating the manner in which you have executed the same.

**NOTICE TO RESPONDENT
RENEWAL OF INPATIENT COMMITMENT HEARING**

TO: Jessie Holmes: You are hereby notified:

1) That on the 6th day of October, 2006, that Allen L. Stewart filed a petition in the Probate Court of Montgomery County, Alabama, alleging that you are mentally ill and that you should be recommitted to the custody of the Alabama Department of Mental Health. A copy of that petition is attached to this Notice and is hereby made a part of this Notice as is set out in full herein.

2) That a hearing has been set on the 12th day of October, 2006, at 9:00 o'clock a.m. to determine if there is sufficient evidence to support the allegations of the said petition.

3) That you have the right to be present at the hearing unless the Court, after appropriate inquiry determines that you are so mentally or physically ill as to be incapable of attendance.

4) That you have the right to be represented by a lawyer of your own choosing and if you are unable to afford a lawyer, the Court will appoint you one to represent you, namely Larry Sasser, Esq.

5) That at the said hearing, you shall have the right to offer evidence, to be confronted with the witnesses against you and to cross-examine them and you shall not be compelled to testify against yourself.

6) That upon the hearing in this matter, the petition could be dismissed or denied, or you could be recommitted to a state mental health facility or a designated mental health facility.

DONE this the 6th day of October, 2006.

Executed by serving a copy on
said Respondent, Date 10/11/06
By _____
Deputy Sheriff

Reese McKinney
REESE McKINNEY, JR.
JUDGE OF PROBATE

000013

IN THE PROBATE COURT OF LEE COUNTY, ALABAMA

JESSIE HOMES

CASE NO. _____

ORDER FOR INPATIENT COMMITMENT

In the matter of the sworn petition as filed by SALTORE TAVANO, for the involuntary commitment of the above named respondent to a state or designated mental health facility; and this day having been set to hear and consider said petition on its merits; and now comes the said petitioner by and through counsel, Margaret Ann Mayfield, Esq.; and also comes the said alleged by and through counsel, Melissa Gowan, Esq.; and it now appears to the Court that it has jurisdiction over said matter and that due and proper notice has been perfected as required by law; and on motion the Court proceeds to hear and consider said petition and any evidence relating thereto; and

The Court finds from the evidence adduced in open hearing and of record that it is clear and convincing that respondent is mentally ill and poses a real and present threat of substantial harm to himself/herself; that the respondent will, if not treated, continue to suffer mental distress and will continue to experience deterioration of the ability to function independently; and that the respondent is unable to make a rational informed decision as to whether treatment for mental illness would be desirable; and that inpatient commitment to the Alabama Department of Mental Health or its designated facility is the least restrictive alternative necessary and available for the treatment of the person's mental illness.

It is therefore ORDERED by the Court that respondent is mentally ill person, be and is hereby committed to the Alabama Department of Mental Health, Montgomery AL for treatment of his/her mental illness for a period not to exceed ~~150~~ days, subject to renewal if found appropriate upon petition and proceedings; that a copy of all medical records pertaining to the treatment of said person at East Alabama Medical Center, be forwarded to said state hospital with said patient; and that the Sheriff of Lee County shall forthwith take into custody said mentally ill person and deliver him/her to the proper authorities at Greil Psychiatric Hospital.

It is further ORDERED by the Court that the costs of this proceeding, including a fee to the attorney for the petitioner in the sum of \$ to be set and a fee to the Guardian ad Litem in the sum of \$ to be set, be taxed against State of Alabama, FOR THE RECOVERY OF WHICH LET EXECUTION ISSUE.

The Court retains jurisdiction over this matter for such other proceedings and orders as may become appropriate.

Done and ORDERED THIS May 15, 2006.

Bill English
PROBATE JUDGE

000014

EAMC

STATE OF ALABAMA
COUNTY OF LEE

IN THE PROBATE COURT

ORDER TO TRANSPORT

TO THE SHERIFF OF LEE COUNTY, ALABAMA - GREETINGS:

You are hereby commanded, without delay to bring:

Name: Jessie HolmesAddress: 1010 2nd Ave room 118hanging out
in
108City: Opelika ALRace: B Sex: M DOB: 7-22-68Hgt: 6' Wt: 207

Into your custody and thereupon to transport said individual to the EAMC, Opelika, Alabama, and to leave him/her in the custody of said hospital for evaluation and determination as to whether or not said individual shall be admitted as a psychiatric patient to the said EAMC.

This the 12 day of May, 2006Bill English

BILL ENGLISH
PROBATE JUDGE
LEE COUNTY, ALABAMA

Special conditions: (known weapons or behaviors)

hostile, restless

Any Family Members Present? Yes No How Many? _____

Has this subject been committed before? Yes No

Navy blue pants
plaid shirt
Navy windbreaker
glasses

FILED IN
OFFICE THIS

MAY 12 2006

JUDGE OF PROBATE

000015

IN THE MATTER OF THE SWORN PETITION FILED IN THIS THE
PROBATE COURT OF LEE COUNTY, ALABAMA BY

FOR THE INVOLUNTARY COMMITMENT OF

Jessie Holmes

TO THE STATE OF ALABAMA DEPARTMENT OF MENTAL HEALTH.

ORDER TO DETAIN AND ADMIT

Petition seeking the involuntary commitment of Jessie Holmes
to the State of Alabama Department of Mental Health having been filed in this Court
upon the 12 day of May, 2006 and hearing on said
petition having been set for the _____ day of to be set, _____ and it
being the opinion of this Court that it is necessary for limitations to be placed upon the
liberty of the said Respondent in order to prevent said Respondent from doing substantial
and immediate harm to himself/herself or to others, or to prevent said Respondent from
leaving the jurisdiction of this Court, it is

THEREFORE ORDERED, ADJUDGED AND DECREED that the said
Respondent shall be admitted to and detained at East Alabama Medical Center, 2000
Pepperell Parkway, Opelika, Alabama, under the provisions of the Code of Alabama,
22-52-7, until these proceedings have been heard by this the Probate Court of Lee
County, Alabama, at which time determination shall be made regarding the petition
seeking involuntary commitment of the said Respondent to the State of Alabama
Department of Mental Health.

This the 12 day of May, 2006 :

Bill English

Bill English

Probate Judge

Lee County, Alabama

FILED IN
OFFICE THIS

MAY 12 2006

JUDGE OF PROBATE

000016

IN THE PROBATE COURT OF LEE COUNTY, ALABAMA

PETITION FOR INVOLUNTARY COMMITMENT OF:

JESSIE HOMES

To Bill English, Probate Judge

Comes petitioner SALTORE TAVANO, and respectfully represents unto your honor that JESSIE HOMES is approximately 37 years of age, DOB: SS# _ and his legal address is 736 Lee Road 147, Opelika, Alabama and currently at East Alabama Medical Center, Opelika, Alabama; that your petitioner has reason to believe that said person is mentally ill; and that such beliefs are based on specific behavior, acts, attempts, or threats, which are specified and described in detail as follows:

Mr. Jessie Homes is currently at East Alabama Medical Center. Mr. Homes has lived in the home with his mother and step-father since his release from the hospital in New York. The petitioner has called the police to his home on several occasions due to the respondent's threats and behavior. The last time was Wednesday night when the respondent was threatening to blow up the house and he stated to the officer "that somebody was going to get hurt." Petitioner fears for the safety of the respondent.

That the following persons have knowledge of the said respondent's mental illness and above information and may be called as witnesses at a hearing on this matter:

(Name)

(Address)

1. Saltore Tavano 736 Lee Road 147, Opelika, AL
2. East Alabama Mental Health Staff 2506 Lambert Drive, Opelika, Alabama

000017

Your petitioner further states that the name(s) and address(es) of the respondent's spouse, attorney and next of kin, if known, are as follows:

1. Spouse n/a
2. Attorney n/a
3. Next of Kin Saltore Tavano-step-father

Wherefore, petitioner prays that the Court will take jurisdiction of this matter, that a day be set for a hearing on this petition: that notice of the date, time and place of the hearing be given to the respondent and that a Guardian-ad-Litem be appointed to represent him/her, and that the said JESSIE HOMES be committed to the State Department of Mental Health.

Petitioner

Saltore Tavano
(Signature)

Address 736 Lee Road 147, Opelika, AL

Telephone 334-705-8830

Subscribed to and sworn before me this 11th day of May, 2006.

Comet
Notary

My commission expires: 7/15/2007

Attorney for petitioner:
Margaret Ann Mayfield
P.O. Box 809
Opelika, Alabama 36803

FILED IN
OFFICE THIS

MAY 12 2006

JUDGE

000018

IN THE PROBATE COURT OF LEE COUNTY, ALABAMA
IN THE MATTER OF THE INVOLUNTARY COMMITMENT OF:

JESSIE HOMES

In the matter of the sworn petition filed with this court by SALTORE TAVANO, for the involuntary commitment of JESSIE HOMES to the Alabama Department of Mental Health.

WRIT FOR BODY

TO: THE HONORABLE JAY JONES, SHERIFF OF LEE COUNTY, ALABAMA,
GREETINGS:

You are hereby ORDERED to take into custody JESSIE HOMES a person alleged to be mentally ill (Respondent) and have him/her present before this Court 300
May 15, 2006.

You are further ORDERED to serve said alleged with a copy of this writ and make due return to this Court stating the matter in which you have executed the same.

Done and ORDERED this May 12, _____, 2006.

Bill English
Probate Judge

Location of Respondent:

East Alabama Medical Center

Opelika, Alabama

Attachments:

- ☐ Notice (22-52-3)
- ☐ Copy of Petition to commit
- ☐ Other

FILED IN
OFFICE THIS

MAY 12 2006

JUDGE OF PROBATE

000019

STATE OF ALABAMA,) IN THE PROBATE COURT
)
COUNTY OF LEE)

TO: JAY JONES, THE SHERIFF OF LEE COUNTY, ALABAMA, GREETING:

In compliance with the attached Order of the Probate Court of Lee County, Alabama,
you are commanded to forthwith deliver JESSIE HOMES, to the
custody of the State of Alabama, Department of Mental Health at

Bryce Hospital, Tuscaloosa, Alabama

Greil Psychiatric Hospital, Montgomery, Alabama

Veterans Administration Medical Center, Tuskegee, AL

and to leave a copy of said Order with the Admissions Officer there.

This the 15 day of May, 2006.

Bill English
BILL ENGLISH, PROBATE JUDGE

000020